

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CATHY DiNICOLA,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 14-cv-13937

UNITED STATES DISTRICT COURT JUDGE
GERSHWIN A. DRAIN

UNITED STATES MAGISTRATE JUDGE
ANTHONY P. PATTI

OPINION AND ORDER ACCEPTING AND ADOPTING REPORT AND RECOMMENDATION [16]

This matter is before the court on the parties' Cross-Motions for Summary Judgment [14, 15] as to Plaintiff Cathy DiNicola's claim for judicial review of Defendant Commissioner of Social Security's denial of disability benefits under the Social Security Act. The matter was referred to Magistrate Judge Mona K. Majzoub, who issued a Report and Recommendation [16] on August 31, 2015, recommending that the Court grant Plaintiff's Motion for Summary Judgment, deny Defendant's Motion for Summary Judgment, and remand this matter to the Commissioner for further proceedings. Neither party has filed objections to the Magistrate Judge's Report and Recommendation, and the time for filing objections has expired. *See* 28 U.S.C. § 636(b)(1)(C).

Upon review of the parties' briefing and the Magistrate Judge's Report and Recommendation, the Court concludes that the Magistrate Judge reached the correct conclusion. The matter should be remanded for further consideration due to the procedural error of inadequate explanation in determining the effects of Plaintiff's non-severe impairments on her residual functional capacity.

Accordingly, the Court hereby **ACCEPTS** and **ADOPTS** Magistrate Judge Majzoub's Report and Recommendation [16] as this Court's findings of fact and conclusions of law. Plaintiff's Motion for Summary Judgment [14] is **GRANTED**. Defendant's Motion for Summary Judgment [15] is **DENIED**.

This matter is remanded to the Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with Magistrate Judge Majzoub's Report and Recommendation.

IT IS SO ORDERED.

Dated: September 25, 2015

/s/Gershwin A Drain
Hon. Gershwin A. Drain
United States District Court Judge